

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

HEATHER BAKER DAVIS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:12-CV-60
(JUDGE GROH)**

**MICHAEL J. ASTRUE,
Commissioner of Social Security,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge David J. Joel [Doc. 17], filed on December 3, 2012, to which neither party filed objections.¹ Pursuant to 28 U.S.C. §636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F. Supp. 825 (E.D. Cal. 1979). The R&R specifically stated that objections were to be filed within fourteen days after being served with a copy of the R&R. Accordingly, because no objections have been filed, this R&R will be reviewed for clear error.

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Pursuant to the magistrate judge's R&R, as well as 28 U.S.C. §636(b)(1)(C) and FED. R. Civ. P. 6(d), objections were due were due 14 + 3 days after entry of the R&R, or by December 20, 2012.


In this matter, the magistrate judge found that the ALJ properly determined that the claimant was not fully credible, properly analyzed and assessed the claimant's frequency and duration of urination, and gave appropriate weight to the claimant's interstitial cystitis diagnosis.

Upon review of the above, it is the opinion of this Court that the Report and Recommendation **[Doc. 17]** should be, and is, hereby **ORDERED ADOPTED**. For the reasons more fully stated in the Report and Recommendation, this Court **ORDERS** that the Claimant's Motion for Summary Judgment **[Doc. 14]** be **DENIED** and the Commissioner's Motion for Summary Judgment **[Doc. 15]** be **GRANTED**. Accordingly, this Court further **ORDERS** that this matter be **DISMISSED WITH PREJUDICE** and that it be **STRICKEN FROM THE DOCKET OF THIS COURT**. The Clerk is **DIRECTED** to enter judgment in favor of the Defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: February 1, 2013.


GINA M. GROH
UNITED STATES DISTRICT JUDGE